

# **Civil Rights Complaint Process**

**Effective Date: 01/2018**

**Release Date: 01/2018**

## **I. Purpose**

These procedures have been established to redress any violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d (“Title VI”), Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, (“Title IX”) Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794 (“Section 504”), Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* (“ADA”), the Age Discrimination Act of 1975, 42 USC § 6101 *et seq.* (“Age Act”), and provisions, directives, and implementing regulations that govern DFCS’ administration of child welfare and public assistance programs. To the extent these procedures conflict with applicable laws, regulations, or directives, such laws, regulations and directives shall be controlling.

## **II. Right to File a Complaint**

All Georgia Division of Family & Children Services’ (“DFCS”) customers and applicants have a right to file a complaint of discrimination on the basis race, color, national origin, disability, age, sex and in some cases religion or political beliefs. (The USDA Nondiscrimination Statement, including a joint USDA-HHS statement for SNAP, is located at <https://www.fns.usda.gov/fns-nondiscrimination-statement>.) The United States Department of Agriculture (“USDA”) prohibits reprisal or retaliation for prior civil rights activity. No staff or contractor of the Department of Human Services (“DHS”) shall retaliate against a complainant or his/her designee for filing a civil rights complaint. Furthermore, utilization of this complaint procedure is not a prerequisite to filing a complaint with the USDA or the United States Department of Health and Human Services (“HHS”). To file a discrimination complaints and DFCS staff should follow the procedures set forth below.

## **III. Procedure for Filing Civil Rights Complaints**

### **A. Filing program complaint of discrimination with Federal Agencies**

Any person or representative may file a verbal or written complaint of discrimination with HHS or the USDA (food stamps only) by mail, fax, or e-mail. See below for information on where to file your civil rights complaint:

- 1) (**HHS**) U.S. Health and Human Services, HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201; or  
call (202) 619-0403 (voice) or (800) 537-7697 (TTY).
- 2) (**USDA**) U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410; or  
fax to (202) 690-7442 or email to [program.intake@usda.gov](mailto:program.intake@usda.gov).



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**The USDA Civil Rights Complaint Form may be accessed online at:**

English form -

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html)

Spanish form -

[http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Compliant\\_6\\_8\\_12\\_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)

**B. Filing complaints of discrimination in child welfare and public assistance programs with DHS**

Any person or representative may also file a verbal or written complaint of discrimination with DFCS or DHS. See below for information on where to file your civil rights complaint:

- 1. For complaints based on national origin (e.g., limited English proficiency) or a sensory impairment (e.g., deaf, blind, deaf-blind, other impaired senses), contact:**

Program Director  
DHS LEP/SI Program  
2 Peachtree Street, N.W., Suite 29-103  
Atlanta, GA 30303  
(404) 657-5244 (voice)  
(404) 651-6815 (fax)  
(404)-463-7591 (TTY)

- 2. For all other discrimination complaints, contact:**

Program Officer  
DFCS Civil Rights Program  
2 Peachtree Street, N.W., Suite 19-244  
Atlanta, GA 30303  
(404) 657-3735 (voice)  
(404) 463-3978 (fax)  
(404)-463-7591 (TTY)

- 3. Time Period for submitting complaints**

A complaint is filed timely if it is filed within 180 calendar days of the alleged discriminatory act or if it alleges the discriminatory act is ongoing. The Secretary of Agriculture or Secretary of Health and Human Services may accept complaints filed after the 180 calendar day deadline if the complainant can provide a 'good cause' explanation for the delay. Therefore, the DFCS Civil Rights Program will forward any complaint that does not meet the 180 calendar day deadline to the appropriate Federal agency for consideration. The time for filing a complaint with HHS or USDA is not governed by this policy.



#### **4. Submission of Written Complaints**

Written complaints may be submitted to DHS via hand-delivery, facsimile, e-mail or US mail, utilizing form 724. A complaint may also be submitted via letter or e-mail if that is the complainant's/representative's preferred method of communication.

#### **5. Submission of Verbal Complaints**

In the event that a complainant or representative makes the allegations verbally or in person, the DFCS staff person to whom the allegations are made must write up the elements of the complaint using form 724. At a minimum, the DFCS employee must obtain the following information:

1. Name, address, and telephone number other means of contacting the complaint;
2. The location and name of the county, regional or other office delivering the service or benefit;
3. The nature or the incident or action that led the complainant or his/her representative to feel that discrimination was factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants;
4. The basis on which the complainant believes discrimination exists;
5. The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
6. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

**Note – Every effort should be made to assist a person or his/her representative in navigating through the complaint process, which includes filling out forms, or providing information in alternative formats. DFCS must ensure translated complaint forms, qualified interpreters, and auxiliary aids and services are available free of charge to the complainant or their representative with limited English proficiency and/or individuals with disabilities.**

#### **IV. Civil Rights Complaints Processing Oversight and Referral**

DHS is responsible for ensuring all discrimination complaints filed with DFCS for any USDA or HHS program, including complaints filed with the DHS LEP/SI Program, are processed in accordance with the USDA and HHS complaints processing regulations, directives and guidance.

##### **A. Complaint Referrals:**

DHS must refer all complaints in USDA or HHS programs that allege discrimination on the basis of age to the appropriate federal agency in accordance with Section IV.B below.

DHS must refer all complaints filed in the CSFP and TEFAP to the FNS Regional Civil Rights Director for processing within five (5) calendar days of receipt of the complaint.



## **B. Complaint Investigations:**

Prior to issuing a decision letter to the complainant, DHS must provide the FNS Regional Civil Rights Director with the draft decision letter and investigative report for the purpose of oversight and concurrence (See FNS Instruction 113-1, XVI.C.8). Decision letters will include the complainant's right to appeal to the Secretary of Agriculture. (See FNS Instruction 113-1, XVI.C.6). If an investigation is not conducted, the State agency shall provide an explanation in its report to the FNS regional office. (See FNS Instruction 113-1, XVII.D.4.d)

## **C. Corrective Actions:**

If it is determined that the complainant was discriminated against on the basis of one of the protected classes, or that DHS personnel violated state or federal policy, the State Civil Rights Coordinator will work with State, Regional and County management to ensure that a corrective action plan is prepared, implemented, and monitored to address the violations. DHS will abide by applicable USDA and HHS regulations and directives when ensuring the required corrective actions are achieved in a timely manner.

## **D. Tracking Complaints:**

Complaints received by county DFCS offices must be logged in a manual or computerized tracking system, kept separate from program complaints and forwarded to the State Civil Rights Office within three (3) business days of receipt of the complaint. Anonymous complaints must be processed as any other complaint, to the extent feasible, based on available information.

The State Civil Rights Coordinator or designee will review a complaint to see if it contains an allegation of discrimination on the basis of a protected class. Complaints that do not contain such allegations forwarded to the appropriate office that logs and processes program complaints.

### **A. Complaints Alleging Age Discrimination**

Federal regulations implementing the Age Discrimination Act of 1975 require that all complaints alleging violations of the Act be referred for mediation. DHS must forward all complaints alleging age discrimination to FNS or HHS for processing.

#### **1. Complaints Alleging Discrimination based on Age in USDA Programs**

Forward all complaints alleging unlawful discrimination on the basis of age, regardless of whether other bases are alleged, to FNS Regional Civil Rights Director within five (5) working days after receipt.

If the Federal Mediation and Conciliation Service ("FMCS") mediation is successful, FMCS will notify FNS CRD so that the case can be closed. DHS will receive notification of the closure of the complaint. If mediation is unsuccessful, FMCS will refer the complaint back to FNS CRD for processing through the established complaint processing system.



## **B. Acknowledging a Complaint**

Within five (5) business days of receipt of a complaint, the State Civil Rights Coordinator or his/her designee must send an acknowledgment letter to the complainant. At a minimum, the acknowledgment letter must inform the complainant of any planned action, the timeframe for completing the investigation, and request additional information, if needed.

## **C. Documenting the Investigation**

Within five (5) business days of receipt of a complaint, the State Civil Rights Coordinator will work with State, Regional or County management to assign a qualified staff person to investigate the case. The assigned investigator must complete the investigation within 45 business days of the date of the complaint. All complaints alleging discrimination in USDA programs must be processed within 90 days of receipt.

The investigator must gather and evaluate facts that will either support or refute the complainant's allegation(s), ensuring that all relevant sources of information are investigated, which includes a review of the complainant's case file. Upon completion of the investigation, the investigator will work with County and or Regional Management to complete form 725, which must be used to document investigative findings, and recommendations for corrective action (if appropriate). The report should contain a summary of all interviews with the complainant, participants, and community organizations and case file examinations. For USDA programs, see FNS Instruction 113-1, Section XV for specific information regarding collection of evidence in a discrimination complaint.

The investigator must send the investigative findings to the State Civil Rights Coordinator who will evaluate the report for completeness and soundness of conclusions. If the report does not contain sufficient information to support the investigative conclusion, the State Civil Rights Coordinator will return the report to the County Director with a time frame for revising the report. The State Civil Rights Coordinator will forward a complete copy of the investigative findings to HHS and or USDA in accordance with each agency's applicable rules, regulations or policies.

Guidance on legal theories of discrimination can be found on the U.S. Department of Justice's website at <https://www.justice.gov/crt/fcs/T6manual>. The report of investigation (ROI) submitted to the FNS Regional Civil Rights Director must include the findings of the investigation with relation to the specific allegations of the complaint and a summary of all interviews with the complainant, participants, and community organizations and case file examinations.

**NOTE: If an investigation is not conducted, DHS must provide an explanation in its report to the FNS Regional Civil Rights Director.**

The State Civil Rights Coordinator must send the complainant a letter advising him/her of the investigative findings. The letter must also inform the complainant that if he/she does not concur with the results of the investigation, an appeal may be filed with the U.S. Department of



Agriculture's Office of the Assistant Secretary for Civil Rights or the U.S. Department of Health and Human Services' Office for Civil Rights. The letter must also include the Appeal Rights for each office.

### **The USDA Appeal Rights:**

If you disagree with this decision, you may appeal to the Office of the Assistant Secretary for Civil Rights at the U.S. Department of Agriculture. You must do so within 90 days of receiving this letter. To appeal this decision, write to:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
Stop 9430  
1400 Independence Avenue, S.W.  
Room 212-A, Whitten Building  
Washington, D.C., 20250

### **The HHS Appeal Rights:**

Office for Civil Rights  
Centralized Case Management Operations  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Room 509F HHH Bldg.  
Washington, D.C. 20201

### **D. Complaint Files**

The State Civil Rights Office shall maintain a central file on all Civil Rights complaints processed by DFCS. If maintained, county complaint files must be stored in a central location for review by DFCS' Quality Assurance Unit, the State Civil Rights Office or Federal Civil Rights Offices. Civil Rights complaints filed in any USDA program must be recorded under a separate and distinct logging system per FNS Instruction 113-1, Section XVII.

### **VI. Other Procedures**

The procedures provided herein are in addition to, and not in lieu of, any other remedies available under federal or state law.

### **REFERENCES:**

Title VI of the Civil Rights Act of 1964 (42 USC §2000d)  
Section 504 of the Rehabilitation Act of 1974 (29 USC §794)  
Title IX of the Education Amendments of 1972, Public Law 92-318, as amended (20 U.S.C. § 1681 *et seq.*)  
Age Discrimination Act of 1975 (42 USC § 6101)



Title II of the Americans with Disabilities Act (ADA) of 1990 (42 USC §12132) at 28 C.F.R. Part 35 and 28 C.F.R. § 35.107

Title II of the ADA Amendment Act of 2008 (Public Law 110-325)

U.S. Department of Health and Human Services regulations at 45 C.F.R. Parts 80, 84, and 91

USDA Food and Nutrition Service Civil Rights Compliance and Enforcement (FNS Instruction 113-1)

The Food and Nutrition Act of 2008, as amended, Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, 7 U.S.C. 2011 *et seq.*

U.S. Department of Agriculture regulations at 7 C.F.R. Part 15, 7 C.F.R. Part 272, 7 C.F.R. Part 250, 7 C.F.R. Part 251, and 7 C.F.R. Part 247

This list is not exclusive.

